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In the Supreme Court

OF THE

United States

OCTOBER TERM, 1959

No. 578

CHARLES MANNINA, *Petitioner,*

vs.

INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA, FOOD MACHINERY AND CHEMICAL CORPORATION and CALIFORNIA CASUALTY INDEMNITY EXCHANGE, *Respondents.*

PETITION FOR A WRIT OF CERTIORARI to the Supreme Court of the State of California

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State of California

Charles Mannina, a destitute injured former industrial workman, able to afford the printing of only a skeleton petition herein through the charity of his attorney, on behalf of himself and 7,000,000 other

California workmen deprived of their Constitutional rights under the labor law enforcement machinery set up in California, prays, in this test case, that a writ of certiorari be issued to review the final decision of the Supreme Court of the State of California, refusing to hear or consider his plea for justice.

OPINIONS BELOW.

In the Supreme Court of the State of California in bank

Petition for hearing denied.

Certified as filed Oct. 7, 1959. Gibson
William I. Sullivan, Chief Justice
Clerk

In the District Court of Appeal of the State of California

First Appellate District

Division One

No. 18817

By the Court:

The petition for a writ of review is denied.

Filed September 10, 1959.
Fred B. Wood,
Acting P.J.

Before the Industrial Accident Commission of the State of California

No. 176-821

Decision After Reconsideration

Petition for Reconsideration having been filed and granted in the above-entitled matter, and thereafter the case having been heard by Panel One, in bank, and the record having been again reviewed, this Commission concludes that further proceedings are not essential to the disposition of the claim, and now makes its Decision After Reconsideration as follows:

Findings of Fact

1. Medical treatment has not been unreasonably or willfully delayed or refused applicant so as to warrant imposition of a penalty under Section 5814 of the Labor Code.

Order

Good Cause Appearing Therefor:

It is Ordered that Decision after Reconsideration Granted, filed herein Nov. 25, 1958, be, and the same is, affirmed and adopted as the Commission's Decision After Reconsideration.

Industrial Accident Commission
of the State of California
S. W. MacDonald
John J. Synon
Elton C. Lawless

Filed May 14, 1959.

Before the Industrial Accident Commission of the State of California

No. 176,821

Decision After Reconsideration Granted
(Adopted as Final Decision of I.A.C. under above opinion)

This Commission by order dated February 25, 1958, granted applicant's Petition for Reconsideration, and the matter having been heard on reconsideration before Elvin Connolly, Referee, and resubmitted for decision, this Commission now makes its Findings and Award as follows:

Good Cause Appearing Therefor:

It is Hereby Ordered that Supplemental Findings and Award for Permanent Disability, filed herein on January 10, 1958, be, and the same hereby is, vacated, annulled and set aside, and the following Supplemental Findings and Award be substituted in lieu thereof, and made the Decision after Reconsideration of this Commission.

Findings of Fact

1. Charles Mannina, 42 years, while employed as a welder at San Jose, California, by Food Machinery & Chemical Corporation, whose workmen's compensation insurance carrier was California Casualty Indemnity Exchange, sustained injury on April 19, 1956, arising out of and occurring in the course of his employment.

2. Said injury caused temporary total disability, indemnity for which has all been paid.

3. Said injury also caused permanent disability of 17 percent.

4. Applicant may be in need of further medical treatment to cure or relieve from the effects of the injury herein.

5. Defendants are liable for medico-legal expense incurred by applicant in the sum of $35.00.

6. Defendants are not liable for payment of applicant's self-procured medical treatment obtained from Dr. B. A. Capisi.

7. Applicant's attorney has rendered services of the reasonable value of $235.00, and is entitled to a lien therefor against any compensation now due or to become due.

Award

Award is made in favor of Charles Mannina against California Casualty Indemnity Exchange of permanent disability indemnity in the sum of $35.00 per week for 68 weeks, in the total sum of $2,380.00, beginning October 2, 1957, less credit to defendant carrier for any sums heretofore paid as permanent disability indemnity, and less the sum of $235.00 payable to Foley & Foley, applicant's attorneys.

Award is further made in favor of Charles Mannina against California Casualty Indemnity Exchange of further medical treatment as may be necessary to cure or relieve from the effects of the injury herein.

Award is further made in favor of Charles Mannina against California Casualty Indemnity Exchange of medico-legal expense incurred by applicant in the amount of $35.00 payable to Dr. J. Markham.

It is ordered that this Award shall bear interest pursuant to the provision of Section 5800 of the Labor Code.

F. A. Lawrence
Roland J. Henning
Commissioners

Filed Nov. 25, 1958.

JURISDICTION.

1. Jurisdiction of this Court is invoked under Title 28, United States Code, Section 1257, which provides in part:

> "Final judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court as follows:
>
> * * * * * * *
>
> (3) By Writ of Certiorari * * * where any title, right, privilege or immunity is specially set up or claimed under the Constitution * * *."

2. The following cases, holding that the United States Supreme Court may review a decision of a State Supreme Court construing a state statute by which construction it is contended a party to the proceeding is denied a right guaranteed by the Federal Constitution, sustain the jurisdiction of this Court:

Cudahy Co. v. Parramore, 263 U.S. 418, 44 S. Ct. 366, 68 L.Ed. 366;

Dahn Ke-Walker v. Bondurant, 257 U.S. 282, 42 S.Ct. 106, 66 L.Ed. 239;

Eureka Pipe Line Co. v. Hallanan, 257 U.S. 265, 42 S.Ct. 101, 66 L.Ed. 227;
St. Louis etc. Railway Co. v. Wynne, 224 U.S. 354, 32 S.Ct. 493, 56 L.Ed. 799.

3. The Supreme Court of the State of California is the highest Court of the State.

4. The judgment of which review is sought is a final judgment of the Supreme Court of the State of California.

5. The judgment herein sought to be reviewed was filed on Oct. 7, 1959.

6. The Federal question of substance which is involved is that the guarantee of equal protection of the law and due process of law, as contained in Amendment XIV, Section 1 of the Federal Constitution, has been denied to your Petitioner and 7,000,000 other California workmen who may sustain hidden injuries, such as the head injury he suffered, and who are given but token and unenforceable awards whereas those workmen who sustain injuries visible to the eye are given the complete protection of the Workmen's Compensation Law and of the Constitution of California and the Constitution of the United States.

THE QUESTION PRESENTED.

Has due process of law and the equal protection of the law been denied to your Petitioner and those of the 7,000,000 California workmen who fall into his category of being unfortunate enough to sustain hid-

den or invisible injuries that medical science cannot measure or evaluate because of the impossibility of x-raying or photographing pain?

CONSTITUTIONAL PROVISIONS INVOLVED.

This case presents the question of Petitioner's rights under the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment of the United States Constitution (Amendment XIV, Section 1):

> "Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".

STATEMENT.

Your Petitioner was given a token award of 12¾% ($1,785.00) for a very severe industrial injury to his head (struck by a falling 2-inch iron pipe weighted down with 400 lbs. of equipment), which has totally disabled him for over 3½ years at a loss to him in wages of over $17,000.00 and so tortured him with such profound headaches during this period that he has many times been on the verge of committing

suicide, as Geo. E. Boulden of San Mateo did last month because his headache pain was "unbearable". The Commission rating, based almost solely on the unadulterated *GUESSES* of three insurance carrier doctors that his headaches were "slight", was for "Constant slight-to-moderate headaches", the Commission approved report of the Referee pointing out that, "The amount to be awarded as permanent disability for headaches could be increased from the award given in this case depending upon increased symptoms. The increase could be to 100% for pronounced head symptoms".

In spite of numerous proceedings had since then, including a full hearing before the entire Commission panel of three itself at San Francisco (at which a scale physically was brought into a courtroom for the first time in the history of American jurisprudence and the heavy *FACTS* of this case, of severe injury, unconsciousness, hospitalization, loss of revenue, 16 year work record, the applicant's testimony as the only one who *KNOWS* the facts, etc., were weighed against the three bags of wind representing the *GUESSES* of the three insurance company doctors on the left hand side of the scale and the three Commissioners were told plainly what the true situation is in California in this field of hidden industrial injuries), the token award still stands and your Petitioner is up against the *IMPOSSIBLE* proposition of proving his "pronounced head symptoms" that would entitle him to a "100% rating" according to the Commission, by means of the hearsay guesswork

evidence the Commission places almost sole reliance upon when the only real *ACTUAL* or *FACTUAL* evidence that exists is the testimony of the injured worker himself and his sweet mother, dear wife who has slaved to support the family ever since he was thrown onto the industrial scrap heap, and the 14-year-old high school son, all of whom have to watch their loved one (who was their bread winner for 16 solid years at the Respondent employer's plant as a welder before the industrial accident felled him, without one single day off in 16 years for any reason) writhe in pain without even the merciful sleep that cannot be induced without the pain and sleeping pills the three Commissioners gave him with their right hand and ironically then took away with their left.

He was given a further token award of 4¼% ($595.00) for a serious psoriasis condition that developed at the site of his head injury and spread to other parts of his body, with a questionable cure, since psoriasis cannot in 99 cases out of 100 be cured and may break out again at any time, and with evidence of its activity still present on his scalp and with a very plainly visible large cosmetic blemish at the site of injury, which is tender to the touch to the extent that the felled worker cannot wear the helmet that is absolutely required in his work as welder because it increases the skin irritation and the severity of his headaches as well. *Solely* on the *GUESSES* of the insurance company doctors that this psoriasis condition has been arrested by their medical skill, and almost a year's battle, to a point where it can be consid-

ered as permanently cured in spite of active symptoms that flare up on continued pressure, the Commission rated him for a "slight cosmetic defect at site of injury", the Commission-approved Referee's report stating:

> "The 4.14 in the formula was given for skin condition, at which time cosmetic blemish was considered. He (the Commission's rating expert, who rated according to the above-quoted Referee's instructions) considered the ability of the applicant to wear a welder's helmet as this was included within the occupation modification".

The token Indian-giver award for "further medical treatment as may be necessary to cure or relieve from the effects of the injury herein" was completely nullified by the Commission's later Finding of Fact that "medical treatment has not been unreasonably or willfully delayed or refused so as to warrant imposition of a penalty under Section 5814 of the Labor Code" (providing for a 10% penalty in such cases of man's "inhumanity to man", to quote the Legislature's reason for enacting it). This talking out of both corners of the Commission's mouth at the same time has left the insurance carrier free in this case to continue refusing to this day the pain pills and sleeping pills it solemnly promised *two* Referees in open court it would continue to provide and to continue refusing the man *any medical treatment whatsoever* for the entire two years since the last Referee hearing, including the operation he needs to insert a silver plate in the skull at the site of injury to relieve the pressure on his brain that conservative treatment,

or absence of any treatment, has not alleviated. The Commission just closes its eyes to the fact that the injured worker has had to mortgage his home for $2,100.00, borrow $600.00 from his mother and $150.00 from his attorney for pain pills, sleeping pills, expenses of trips from his home in Santa Clara to the University of California Hospital, $100.00 for hospitalization there, delinquent taxes on his home to avoid a foreclosure sale, and school books, clothes and food for his teen-age son as the third victim of the invisible injury the father sustained and of the Commission's impotence in coping with these injuries. In all, he has spent $415.50 for pain and sleeping pills and $1,034.93 for medical attention since the last hearing to alleviate the pain the Commission ordered the carrier to alleviate and the carrier promised to but double-crossed the Commission and the worker and now refuses to, with the "no-penalty" blessing of the Commission as an excuse to hide behind in thus making a mockery of law and order in the great State of California. We are certain that the workers who sustain visible injuries don't get that kind of shocking injustice as an inheritance from the late and revered Hiram Johnson, who fathered this humane statute and who would turn over in his grave if he could but see the kind of justice the workers with hidden or invisible injuries are getting at the hands of the Commission he established to protect them *ALL*, including those with hidden injuries. Since they are getting the kind of injustice that cries to high Heaven, we are fully warranted in appealing to the highest Court of this land to help us now that the machinery

of justice has broken down in California as to this special isolated group of black sheep "step-children", an unwanted segment of our population. Failure of due process and of equal protection our forefathers guaranteed to us are not strong enough words to describe the kind of justice this typical worker with hidden injuries has had, and his fellow workers with similar injuries have had, in the last quarter century of infamy in this regard since California lost its beloved Commissioner, Arthur Pillsbury, whom Hiram Johnson as his first act as Governor chose to put some humanity into this law for the protection of those who toil in California. Surely the Supreme Court of the United States, which prides itself on the motto engraved in enduring marble in front of the edifice that houses it of "*EQUAL* Justice Under Law", can find some way in which to remedy the terrible condition that exists in this regard in the ordinarily progressive State of California. All these Federal constitutional questions were timely raised in the first pleading in the Appellate Court when your Petitioner first learned that the Commission was to oppose his petition in real earnest.

REASONS FOR GRANTING THE WRIT.

The battle for equal justice for the invisibly injured that has culminated in this appeal to our revered high Court has been carried on by your Petitioner's attorney for the past decade and a half that he has practiced law privately after serving for two

decades as Chief Attorney for the California State Labor Commissioner and Deputy State Labor Commissioner under five Governors and six Labor Commissioners and spending seven years at our nation's capital working with a Steering Committee of 150 Congressmen (75 Democrats and 75 Republicans) to bring EQUAL protection in the social security field by extending the basic statute in that field to the one-half of our population that was omitted from its original coverage.

In the 15 year battle for justice for California's invisibly injured workers the most that your Petitioner's attorney has been able to accomplish to alleviate the truly shocking condition that has existed, in which the sacred functions of the Commission have in reality been turned over to the insurance carriers' doctors, has been to secure a dictum, over a decade ago, from Division One of the State Appellate Court to the effect that if the Commission, in deciding these invisible injury cases, went entirely on the guesses of the doctors and refused to consider "*at all*" the testimony of the injured worker, it would have acted "*improperly*" (*Leo Cadotte v. Industrial Accident Commission*, 86 C.A. 2d 754, at 758, 194 P. 2d 563—1948).

This dictum has been interpreted by the Commission as meaning that if it decides these cases, as the triers of the facts, by giving 99% consideration to the guesses and 1% to the facts, this dictum has been complied with and the higher courts of California will both "*AMEN*" their decision, as they have done in

this extreme case, doubtless on the basis of compliance with this "ONE PER CENT RULE".

In thus asserting their "AMEN RULE" in these industrial accident cases, the honorable judges of these courts are, we solemnly contend, violating their oaths of office not only to support the Constitution of the United States with its "DUE PROCESS" and "EQUAL PROTECTION" clauses but also the California laws and its Constitution with its similar clauses (Article XX, Sec. 11—"All laws of a general nature shall have a *uniform* application"; Article XX, Sec. 13—"No *person* shall be deprived of life, liberty or *property* without due process of law") and with its *unique* provision giving *special* protection to *ALL* California workmen injured in industry, which includes those with invisible injuries, reading in part, as follows:

> "The Legislature is hereby expressly vested with plenary power : . . . to *create* and *enforce* a *complete* system of workmen's compensation . . . to compensate *any* and *ALL workmen for injury* or disability . . . sustained in the course of their employment . . . which complete system includes adequate provision for the *comfort, health* and safety and *general welfare* of any and *ALL* workmen *and those dependent upon them for support*, to the extent of relieving from the consequences of *any* injury or death incurred or sustained by workmen in the course of their employment . . . also *full* provision for such *medical*, hospital and other remedial treatment *as is requisite* to *cure* and *relieve* from the *effects* of such injury . . . and full provision for vesting *power, authority*

and *jurisdiction* in an administrative body with *all* the *requisite* governmental functions to determine *any* dispute or matter arising under such legislation, *to the end* that the administration of such legislation shall accomplish *substantial* justice in *ALL* cases *expeditiously, inexpensively,* and *without encumbrance of any character, all of which matters are expressly declared to be the social public policy of this State, binding on ALL departments of the State government".* (Article XX, Sec. 21—1918—with emphasis added.)

The special California statutory mandate we contend is being violated (Labor Code, Section 3202) reads as follows:

> "The provisions of Division 4 and Division 5 of this code *shall* be *liberally construed* by the *courts* with the purpose of extending their benefits for the protection of persons injured in the course of their employment". (Emphasis added.)

The higher Courts of the State of California when they apply the same rule of rigidity to these industrial accident cases in saying "The triers of the facts have spoken" as they do in other cases of, say, appeals from the Superior Courts, are ignoring or blue-penciling this section of the law and permitting justice to be made a mockery of. When they permit the Industrial Accident Commissioners to become the "triers of the guesses" and confess their impotence to remedy the situation in spite of this mandate of the Legislature ("shall" in this case means "must") and in spite of the special Constitutional mandate made binding on it as the judicial "department" of our

government, they are remiss in their duty to protect the workers of California from the miscarriage of justice of the Commission created for the express purpose of protecting them but which evidently considers itself not a "court" and so able to take advantage of the slip-up of the Legislature in not specifically including the "Commission" in its language. The Courts should have said: "You are, in effect, a 'court' and you are, definitely, a 'department' of our California government, in fact, the main department these workers must look to for protection, so you should have construed this act liberally in their favor and not as 'triers of the guesses', thus giving them guesswork or witchcraft justice as a California heritage. You should, moreover, have taken *judicial notice* of the fact that severity of a headache is not a medical question, but one of fact, to be determined just as any other question of fact is determined by the trier of the facts, under the rule laid down in *Varcoe v. Lee*, 180 Cal. 338, 345, 181 Pac. 223 (1919) that 'justice does not require that courts profess to be more ignorant than the rest of mankind.'"

The situation even goes beyond this matter of guesswork the way it operates in California. If has degenerated into an inherently fraudulent system of purchased justice, dependent upon who "gets there firstest with the mostest". For instance, in this case, the insurance carrier was able to purchase the guesses of three doctors who presumably profess occult power to the effect that this man's headaches are mild or slight. When asked how he would meet this situa-

tion, one of the State's most prominent applicant's attorneys said "I would get five opinions (polite word for guesses) to the effect that his headaches are severe or profound". Your Petitioner's attorney, of course, told him that this was an absolute *impossibility*, as a doctor could not be bribed with a thousand dollars to say that his headaches are more than mild when the insurance carrier already had three who had prostituted their profession by guessing for pay that they are "slight" and when there isn't a doctor on the face of this earth, no matter how expert, who can, *in fact*, tell whether a person has a headache and, if so, whether it is mild or severe, any more than he could tell whether a person is hungry; that besides, even if the injured worker wanted to be crooked and try to purchase such impossible guesses (which his attorney would not stoop to trying to get although this is the kind of purchased medical "evidence" the Commission says he *must* have to prove his case for the injured worker), neither the worker nor his attorney has any funds for the required bribery. All the money they can spare, or borrow, is needed for pain pills, sleeping pills and medical attention and living expenses which the Commission has deprived this man of, as a Referee for the Commission has even summarily denied this man a hearing on his claim that his headaches have become worse in the last two years since his last hearing and on his further plea to punish the carrier for its refusal to furnish medical attention under two awards for same that have long since become final as to the carrier, so that, in the absence of relief from this high Court, the sit-

uation bids fair to continue until this man either dies or commits suicide and thus brings the further disgrace of violence that has marked California's progress toward humane conditions for its workers, starting with the Wheatland hop field riots of a half century ago that initiated most of our progressive labor legislation on their behalf, the murder of the Gray brothers by exploited workers that brought our wage laws, the murder of Richard T. Stone on September 27, 1925, by Millan Vukich when your Petitioner's attorney was unable as a public official of the State to collect his wages for him (*People v. Vukich*, 201 Cal. 290, 257 Pac. 46) and the bombing of the residences of Industrial Accident Commission officials at Los Angeles a decade ago when one of these hidden injury workers failed to get any relief from them.

In another case now pending before the Commission panel (*Granville O. Burrow v. California Casualty Indemnity Exchange*, No. 57 S.J. 1445), the carrier kept purchasing the guesses of the doctors that this seriously injured worker had no pain in his back or disability (in spite of scores of leg collapses from a pinched nerve in the back and a positive electromyogram to prove his need for an operation to remedy his condition) until it got to a *sixth* doctor who was the favorite of the Referee, who frankly stated in his order terminating the man's compensation in spite of an empty token award for medical attention that he did so because this doctor "enjoys a reputation for competency in his field and for fairness in *evaluation* of industrial injury and the referee is inclined to *rely* upon *his OPINION*." (Emphasis added.) The hired

tool of one of the litigants thus became the decision writer for the Commission, without benefit of any civil service screening or legal training to grasp the significance of the many-sided situation that should face a Referee interested in the *facts* rather than on whose guess he should rely when the facts become too complicated for him because they are hidden from his view by the very nature of the injury.

This Referee's decision is on a par with that of Presiding Commissioner Ralph E. Mustoe of the Los Angeles panel of a decade ago when he stated in the *J. C. Rhodes v. Industrial Indemnity Co.* case, L.A. 97, 397, S.F. 123-839: "The Independent Medical Examiner having considered your present condition *non-industrial*; the Commission was left with *no alternative* but to deny your Petition for Rehearing". (Emphasis added.) This was a case where a tractor turned over on a perfectly healthy man and the then most rabid insurance company doctor in San Francisco acted as the decision writer for the Commission, just as the Referee's pet doctor did in the above *Burrow* decision based on guesswork and in derogation of all the facts.

In the case of *City and County of San Francisco v. Margaret Cecelia Pollard*, No. 87916, of a decade and a half ago, which was the first hidden injury case handled before the Commission by your Petitioner's attorney, *TEN* of the best neurological, orthopedic and psychiatric experts in San Francisco *guessed*, for pay, that this young nurse's injuries were "all in her mind", "the result of psychosis", "neurosis", "func-

tional disorder", and all the other high sounding phrases these experts use to doll up their guesses, but Dr. Nels Ahrlund of San Jose pulled *two* ruptured discs out of her back and put her back on the job as a nurse within a few months.

The danger of *faking* in these hidden injury cases is *minimal*, the leading insurance carrier attorney for 30 years and the head of the largest industrial carrier in the State *both* estimating that such faking occurs in but 1 out of 20,000 cases. Besides there is an automatic brake against faking, that of pecuniary *loss* by faking, namely, loss of from one-half to two-thirds of one's income, in the instant case some $17,000.00 in the three and a half years the worker has been lying on the scrap heap screaming with pain and without food and clothing as far as our heartless Industrial Accident Commission is concerned and as far as our two rubber-stamping higher Courts are concerned. His only relief can come from the Court that ruled, after almost two centuries of darkness in the human relations field, that justice is not dependent upon the color of one's skin, and that can now make further historical progress in this same field by ruling that justice is not dependent upon the size of a litigant's pocket book or upon the guesswork of the hired tools of one of the litigants.

Such a decision would mark the greatest step forward in the field of humanities since the Court's elimination of the color line in that portion of the jurisprudence field.

Moreover, such a decision would be nation-wide in its scope, since the same terrible condition of guess work justice doubtless prevails in every State in the union. It does in the Federal field of workmen's compensation where the rule is that these hidden injury cases are decided "*entirely*" on the guesses of the insurance-company minded doctors. Your Petitioner's attorney has appealed that ruling of the Deputy Commissioner of the Bureau of Employees' Compensation at San Francisco in the *Naomi Lilly* case of 18 leg collapses and a positive myelogram proving a disc injury, to the Bureau head, the Department head, the President and the Appeals Board of the Bureau at Washington and has been met with the same denial of justice there that has been had for 25 years in California in these hidden injury cases. His next step is an appeal to your Honorable Court for justice on equity and Constitutional grounds, the Federal statute giving no right of appeal to the two and a half million Federal Government employees covered by it and your Honorable Court having ruled decades ago that these employees are second-class citizens with no rights whatever in this field since they are paid by a Federal appropriation which Congress can spend as it sees fit without regard to due process or equal protection, which puts Federal employees practically on a dole and when they sustain visible injuries they are doled out a little extra to feed their families but if they sustain invisible or hidden injuries they are dependent "*entirely*" on the guesses of the insurance-company minded doctors beholden to the industrial carriers for

most of their business, their large cars and their swimming pools, with no right of cross-examination, no right even to a hearing, and no right to a court review of their cases, and so dependent "entirely" on guesswork justice as against the approved State rule in California of 99% guesswork and 1% facts. Your Petitioner's next big project is to take this Naomi Lilly test case for 2½ million Federal employees to your Honorable Court after he finishes his current nationwide petition drive for 5,000,000 signatures to draft Adlai Stevenson for President in an effort to put some humanity in the administration of our Federal laws such as the voters of California decided upon for their State Government in the last election.

These are big projects but your Petitioner's attorney has devoted the last 41 years of his life to fighting for such human rights as are here involved and he will continue to fight for them until he dies, regardless of consequences to himself in the way of loss of needed revenue for his family, borrowed money on insurance policies to pay for this appeal and the printing of this brief and the drudging labor of night work that may wreck his health. He happens to have been forced into a key position of responsibility in all of these matters of prime importance to the nation and he will not shirk this responsibility for personal gain. He just hopes and prays that his appeal to our highest Court (to which he was admitted to practice two decades ago with Hiram Johnson, the father of workmen's compensation in California, as a sponsor) does not fall on deaf ears so as to make his task more for-

midable by forcing him into a five-year battle to attain these same ends of justice before the Legislature of the State of California and the Congress of the United States. Your Honorable Court has the power to achieve these reforms by one stroke of the pen. Will it make that mighty stroke?

CONCLUSION.

Your Petitioner respectfully submits that the Writ of Certiorari should issue to the end that this Court may review the decision of the Supreme Court of California and determine whether that Court, in approving the decisions of the Appellate Court and the Industrial Accident Commission, has deprived Petitioner of rights guaranteed by the Fourteenth Amendment to the Constitution of the United States, reconstruing the provisions of the California Code and California Constitution provisions mentioned above so as to protect the basic rights of your Petitioner and the 7,000,000 other California workmen on whose behalf this appeal is filed.

Dated, San Jose, California,
December 4, 1959.

Respectfully submitted,
ARTHUR L. JOHNSON, of
JOHNSON, THORNE, SPEED & BAMFORD,
Attorneys for Petitioner.